

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RICHARD FEINER & CO., INC.,)	
)	
Plaintiff,)	Docket No. 07-cv-11218 (RMB)(RLE)
)	
)	
v.)	
)	
THE NEW YORK TIMES COMPANY,)	
PHOTOFEST, INC. AND)	
HOWARD MANDELBAUM,)	
)	
Defendants.)	
)	

DECLARATION OF ZEHRA J. ABDI

I, ZEHRA J. ABDI, declare as follows:

1. I am an associate in the law firm of Cowan, DeBaets, Abrahams & Sheppard LLP (“CDAS”), counsel for Defendants in the above-captioned action (the “Action”). This declaration is made in support of Defendants’ Motion to Dismiss (“Motion”). The statements made below are true of my own personal knowledge and if called upon to testify, I could and would competently testify thereto.

2. Annexed hereto as Exhibit A is Defendants’ April 9, 2008 letter to the Honorable Richard M. Berman requesting a pre-motion conference regarding Defendants’ intended motion to dismiss Plaintiff’s complaint.

3. Annexed hereto as Exhibit B is Plaintiff’s April 15, 2008 response.

4. Plaintiff’s complaint references various copyright office records, but fails to annex any of these documents. Thus, I commissioned Federal Research Corporation, a public records research and retrieval company located in Washington D.C. to conduct searches at the Copyright Office at the Library of Congress for the referenced documents, as described below.

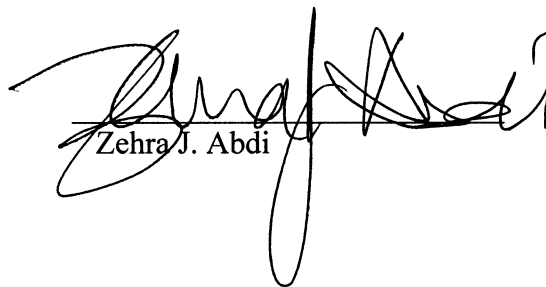
5. Plaintiff's complaint alleges that "plaintiff holds the copyrights to the still photographic images of the comedy team of Stan Laurel & Oliver Hardy, as registered in the Copyright Office of the Library of Congress on the 17th day of April, 1972, at LP 1445, Pages 423-425" Complaint, ¶ 3. However, Plaintiff's complaint did not annex that document, so I commissioned a copyright search and received a document (the "Assignment"), a copy of which is Exhibit C.

6. Plaintiff's complaint alleges that "the still photographic images of Laurel & Hardy as authored by Hal Roach Studios have been published in the book titled Laurel & Hardy, as registered for copyright protection with the copyright office at A 680131" Complaint, ¶ 3. Plaintiff did not annex a copy of that document to its complaint, so I commissioned a copyright search and received a Certificate of Registration in the book titled "Laurel & Hardy", a copy of which is Exhibit D.

7. Plaintiff's complaint references two films, "Hog Wild" and "Leave Em Laughing" and claims that images were derived from these films. Examples from the complaint are as follows: "defendants licensed defendant New York Times with a still image of Laurel & Hardy which is derived from the motion picture photoplay "Hog Wild" and which also has been fixed as a still photograph by Hal Roach Studios", Complaint, ¶ 9; and, "in addition to this from Hog Wild, defendants exhibit plaintiff's copyrighted image of Laurel & Hardy on their website as derived from the Hal Roach motion picture photoplay "Leave Em Laughing,"" Complaint, ¶ 9. I therefore commissioned copyright searches for these works and received the Certificates of Registration dated October 29, 1928 for the dramatic composition entitled "Hog Wild" and dated January 9, 1928 for the motion picture photoplay entitled "Leave Em Laughing." Copies are annexed hereto as Exhibit E and F respectively.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: New York, New York
May 7, 2008



Zehra J. Abdi

EXHIBIT A

UNITED STATES DISTRICT COURT

Southern

District of

New York

RICHARD FEINER AND CO., INC.,
Plaintiff,

SUMMONS IN A CIVIL ACTION

THE NEW YORK TIMES COMPANY,
PHOTOFEST, INC. and
TOWARD MANDELBAUM,

CASE NUMBER:

Defendants.

07 CV 11218

10. (Name and address of Plaintiff)

The New York Times Company
220 Eighth Avenue
New York, NY 10018

Photofest, Inc. and
Howard Mandelbaum
32 East 31st Street, 5th Floor
New York, NY 10016

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Gregory A. Sioris
350 Fifth Avenue, Suite 7606
New York, NY 10118-7606
(212) 840-2644

Answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of the Court within a reasonable period of time after service.

J. MICHAEL McMAHON

DEC 13 2007

DATE

CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
RICHARD FEINER AND CO. INC.,

Plaintiff,

-against-

**PLAINTIFF DEMANDS TRIAL BY
JURY**

C O M P L A I N T

Docket No.07 CIV 11218 (RMB)

THE NEW YORK TIMES COMPANY
PHOTOFEST, INC. and
HOWARD MANDELBAUM,

Defendants.
-----X

PLAINTIFF, through its attorney Gregory A. Sioris, Esq., complains of the defendants and alleges as follows:

JURISDICTION AND VENUE

1. This action is brought for copyright infringement and unfair competition, pursuant to the Copyright Laws of the United States, Title 17 U.S.C. sections 101, et. seq. (the Copyright Act) and 15 U.S.C. section 1125(a) (the Trademark Act). This Court has jurisdiction over this action based on 28 U.S.C. sections 1331, 1338(a) and 1338(b), and the common law of unfair competition of the State of New York.
2. Venue is properly placed in the Southern District of New York under 28 U.S.C. sections 1391 and 1400(a), since plaintiff is a New York corporation headquartered and doing business in New York, NY, with defendants The New York Times Company, Inc., Photofest, Inc. and Howard Mandelbaum all headquartered and/or doing business in New York County.

THE PARTIES TO THE ACTION

3. Plaintiff, as the assignee of Hal Roach Studios, holds the copyrights to the still photographic images of the comedy team of Stan Laurel & Oliver Hardy, as registered in the Copyright Office of the Library of Congress on the 17th day of April, 1972, at LP 1445, Pages 423-425. The still photographic images of Laurel & Hardy as authored by Hal Roach Studios have been published in the book titled *Laurel & Hardy*, as registered for copyright protection with the Copyright Office at A 680131 and renewed pursuant to the automatic renewal statute amending the renewal provisions of the 1909 Copyright Act. The copyright in and to the still images of Laurel & Hardy as created by Hal Roach Studios are in full force and effect on the date of this complaint as are the plaintiff's rights in these still photographic images, and on the dates of the complained of acts as identified herein. A prominent notice of copyright appears on the *Laurel & Hardy* book, with plaintiff referred to as its copyright owner.

FACTS OF THE ACTION

4. Defendant New York Times Company, Inc. publishes and controls the distribution of *The New York Times*, which is sold throughout the United States and whose content also appears on its Internet web site, www.nytimes.com. The New York Times has knowledge of the plaintiff's copyright ownership in and to still images of Laurel & Hardy, having licensed Laurel & Hardy images from

plaintiff in the past and paying plaintiff a licensing fee for such uses.

5. Upon information and belief, defendant Photofest, Inc., is in the business of selling still photographic images. Photofest advertises the sale of such images through its Internet web site at the address of www.photofest.com. Photofest, Inc. is aware, or should be aware of the plaintiff's rights in and to the still images of Laurel & Hardy, since such information is publicly available at the Copyright Office of the Library of Congress which can be accessed, among other means, via the Internet.

6. Upon information and belief, defendant Howard Mandelbaum is the principal or majority owner of defendant Photofest, Inc. and controls the operations of defendant Photofest, Inc. Defendant Mandelbaum is aware or should be aware of the plaintiff's rights in and to the still images of Laurel & Hardy, since such information is publicly available at the Copyright Office of the Library of Congress and having been previously warned by the plaintiff that he and Photofest are infringing plaintiff's copyrights in still photographic images of Laurel & Hardy which the plaintiff is the copyright proprietor of.

THE DEFENDANTS' INFRINGING ACTS

7. Defendants Photofest and Mandelbaum acting solely for their commercial benefit have placed still photographic images of Laurel & Hardy which are protected by copyright on their Internet web

site for sale to the public or for copying by the public directly from their web site. At no time have defendants Photofest and/or Mandelbaum contacted the plaintiff in order to seek its license for the Internet display of still photographic images of Laurel & Hardy, despite these defendants having actual knowledge that plaintiff is the copyright owner of these works. Despite lacking any rights to exhibit Laurel & Hardy still photographic still images as created by Hal Roach Studios, the attribution beneath the photographic images gives an attribution to defendant Photofest.

8. Despite defendants Photofest and Mandelbaum's actual knowledge of the copyrighted status of the work and plaintiff's exclusive rights, these defendants willfully and knowingly elect to use, exhibit and sell plaintiff's work in direct contravention of the plaintiff's right to control the publication and dissemination of the still photographic images of Laurel & Hardy as authored by Hal Roach Studios, or excerpts from of such photographic images, without providing the plaintiff attribution regarding its copyright ownership interest in and to these work. Upon information and belief, defendants Photofest and Mandelbaum's Internet web site has a prominent notice of copyright on it, and defendants are aware that they have not sought a license from plaintiff to exhibit, sell and other distribute any of plaintiff's Laurel & Hardy still photographic images of which plaintiff is the

copyright owner of.

9. Without plaintiff's consent or license, defendants Photofest and Mandelbaum licensed defendant New York Times with a still image of Laurel & Hardy, which is derived from the motion picture photoplay *Hog Wild* and which also has been fixed as a still photograph by Hal Roach Studios. The specific image is referenced by Hal Roach Studios number HR-L33-18, and appears at page 149 of plaintiff's copyrighted *Laurel & Hardy* book. In addition to this from *Hog Wild*, defendants Photofest and Mandelbaum exhibit plaintiff's copyrighted image of Laurel & Hardy on their website as derived from the Hal Roach motion picture photoplay *Leave 'Em Laughing*, Hal Roach Studios number HR-S6-10 as published on page 49 of the plaintiff's *Laurel & Hardy* book. Plaintiff believes that defendants Photofest and Mandelbaum have been reproducing and selling additional Laurel & Hardy as owned by it, which will be ascertained during discovery.

10. The New York Times, in turn reproduced and enlarged the *Hog Wild* image to approximately 11¼ by 9½ inches and used it as an eye catching image for an article in its newspaper, on the first page (page F1) of the *House&Home* section, dated May 3, 2007, for an article titled *Easy, Mr. Fix-It*. Other than showing Laurel & Hardy and another actress who appeared in *Hog Wild*, the article makes no reference to Laurel & Hardy, their motion picture *Hog Wild*, nor to any other aspect of the Laurel & Hardy photograph,

with this image appearing merely as "wallpaper", as this term is used in the publishing industries, meaning the use of this image is to attract a reader's attention to the article based on the celebrity of Stan Laurel and Oliver Hardy. In addition to its print edition, the New York Times displays the referenced Laurel & Hardy image on its web site, www.nytimes.com, in addition to other still photographic which are owned by the plaintiff with the Internet displays of these photographic images never being licensed or otherwise authorized by the plaintiff.

11. The defendants' acts as complained of herein are a continuing infringement of plaintiff's exclusive rights. Unless the defendants are enjoined by this Court, it is believed that the defendants, and particularly defendants Photofest and Mandelbaum, intend on committing further willful or other infringements of plaintiff's copyrighted Laurel & Hardy still photographic images as created by Hal Roach Studios by producing, distributing, and/or selling and/or controlling, granting, or distributing, additional copies of still images of Laurel & Hardy as belong to the plaintiff to other persons without license or authority to exhibit and exploit these images.

12. The further and continued Internet exhibition, copying, manufacture, distribution, dissemination, advertising and other sale of plaintiff's copyrighted works has, and will, further destroy, or otherwise substantially diminish the commercial value

of plaintiff's copyrighted works and the rights of ownership and control which the plaintiff enjoys in and to the still images of Laurel & Hardy as were assigned to him by Hal Roach Studios. Such infringements have caused, are causing and will continue to cause, a loss of future licensing revenues in an amount yet to be determined, in that the said unauthorized copying and unconsented to sale and licensing of the said copyrighted works has caused plaintiff to loose the commercial value of its copyrighted properties pertaining to the defendants' repeated print and Internet exhibitions, and/or, to cause a substantial diminution of the images licensing value concerning the uses by the defendants and other unlicensed users. Furthermore, by defendants, especially defendants Photofest and Mandelbaum, treating the Laurel & Hardy still photographic images as though they are the works' copyright proprietor, or lawful Internet and print licensees, or that the works are in the public domain, defendants encourage the further unauthorized copying, exhibition and dissemination of these still photographic works, or excerpts there from, without the consent or authority from the plaintiff, creating a loss of revenue, which value will be determined upon the completion of discovery and prior to trial. The defendants and the licensees of defendants Photofest and Mandelbaum are aware of the value of a license to exhibit the plaintiff's works and the commercial potential for future licensing.

13. In copying, manufacturing, distributing, advertising and exhibiting excerpts of plaintiff's work through unauthorized channels, defendant Photofest and Mandelbaum have intentionally and willfully disregarded the notice of copyright as are present on plaintiff's Laurel & Hardy book, acting deliberately and/or in reckless disregard of plaintiff's copyright interests in and to the said work contained.

FIRST CLAIM

14. Plaintiff repeats and realleges paragraphs 1 through 14 herein.

15. Defendants' acts are in violation of Title 17 U.S.C. sections 101 et. seq., in that the same constitute substantial, unauthorized, and willful copying of plaintiff's copyrighted work as exhibited in the May 3, 2007 edition of the New York Times which is a flagrant and ongoing infringement of the plaintiff's exclusive copyright interests since this image can be accessed via The New York Times' website.

16. Plaintiff seeks an Order from this Court enjoining and restraining the defendants, their affiliates, distributors, agents, dealers, exhibitors, subsidiaries and subscribers and any other persons acting on their behalf from copying, manufacturing, exhibiting, selling, distributing or otherwise exercising rights of ownership or control over the infringed still photographic image(s) and/or excerpts thereof for purposes of print and

Internet publications, both preliminarily, temporarily and permanently thereafter, and for an Order compelling defendants to sequester and impound all copies of the infringing work, or works, in whatever medium(s) contained as may be used for print and Internet publication, together with the materials contributing to the making of such excerpts and any promotional and/or packaging or other materials related thereto.

SECOND CLAIM

17. Plaintiff repeats and realleges paragraphs 1 through 17 herein.

18. Defendant's acts are in violation of 15 U.S.C. 1125(a) in that the same constitute a false designation of the origins of plaintiff's copyrighted work, unauthorized misappropriations of the commercial value to plaintiff, and the disparagement of the said work resulting in the confusion and deception of the public, thereby giving an appearance that the plaintiff's work is the property of defendants Photofest and Mandelbaum as solely licensed by these defendants, their affiliates, distributors, licensees, subscribers and others acting under defendants' authority.

19. Although plaintiff's damages cannot accurately be calculated at this time, plaintiff prays for a judgment in excess of the jurisdictional threshold of this Court for diversity suits as will be determined at trial, in order to compensate plaintiff for its lost licensing revenues and to impose exemplary damages against

the defendant, as will be determined by a jury at trial.

THIRD CLAIM

20. Plaintiff repeats and realleges paragraphs 1 through 20 herein.

21. Alternative to the other pleas and claims herein, defendants by their actual and unconsented to conduct have willfully copied, manufactured, sold and distributed or otherwise appropriated the plaintiff's copyrighted still photographic images of Laurel & Hardy, as appear in the motion picture photoplay *Hog Wild* and the Laurel & Hardy book, which copying is in violation of the Copyright laws of the United States of America, causing plaintiff damages directly and proximately related thereto.

22. Although plaintiff's damages cannot accurately be calculated at this time due to the extent and severity of the infringements, plaintiff prays for a judgment based on the statutory maximum damage amount allowed for the defendants' willful violations of its exclusive rights under copyright, and for damages for any other unauthorized exhibitions of excerpts from the work as may arise during discovery.

FOURTH CLAIM

23. Plaintiff repeats and realleges paragraphs 1 through 23 herein.

24. Defendants have caused the print and Internet publication of the plaintiff's images and will benefit from the sale and other

distributions of the plaintiff's copyrighted work. Plaintiff seeks an accounting of all profits and other consideration and/or benefits received by the defendants for the unlicensed exploitation it has effected on plaintiff's copyrighted work that plaintiff did not consent to. Plaintiff additionally seeks the production of all of the defendants, their affiliates and subsidiaries business records pertaining to plaintiff's images to ascertain the profits, benefits and other gains received by the defendants from the further exhibition(s) or other unauthorized exploitation of plaintiff's copyrighted work. Plaintiff seeks that all consideration and other gains derived by defendants as a result of its infringing acts be held in constructive trust for the benefit of plaintiff pending the payment of such consideration to plaintiff as damages.

FIFTH CLAIM

25. Plaintiff repeats and realleges paragraphs 1 through 25 herein.

26. Alternative to the above claims, defendants are liable for monetary damages for the print and Internet distribution of plaintiff's copyrighted works in the maximum statutory amount for non willful infringements, which will be accurately calculated prior to trial, as such infringements arose either during the sale of the image or images to the New York Times, and other print and Internet exhibitions of the complained of work, or works, or

through defendants' further sale or other distribution as caused by defendant as complained of herein.

SIXTH CLAIM

27. Plaintiff repeats and realleges paragraphs 1 through 27 herein.

28. Defendants through their willful and purposeful conduct have wrongfully, tortiously and unfairly competed regarding the exploitation and licensing of the work, through the sale and/or distribution of the complained of work under the representation and warranty that defendants were entitled to grant a print and Internet publication license. As a result of this unfair competition by the defendants, plaintiff has been damaged in an amount believed to be in excess of the jurisdictional threshold of a diversity suit before this Court; as such sum will be determined at trial by the jury.

SEVENTH CLAIM

29. Plaintiff repeats and realleges paragraphs 1 through 29 herein.

30. Should plaintiff prevail in this suit, it seeks the reasonable attorney's fees and other costs connected to the prosecution of this action, as are allowed under the Copyright Act. Plaintiff additionally seeks pre-judgment interest on any damage award that the Court may render.

31. Plaintiff, to the extent permitted by law, demands a trial by jury.

WHEREFORE, plaintiff prays for a judgment and other relief as follows:

- (i) That the defendants, their distributors, dealers and subsidiaries, employees, officers and agents and all others who are contractually bound with them with respect to the distribution, sale, or other print and Internet dissemination of the infringing work or works referenced herein be temporarily, preliminarily and permanently enjoined from further print and/or Internet publication, or otherwise publishing or exercising rights of ownership of the infringing works through the means of print, Internet and any and all other forms of distribution and for the impounding and destruction of all infringing copies thereof and/or materials used in the infringement of plaintiff's copyrights as pertain to any and all exhibitions caused by defendants;
- (ii) That the defendants' acts have resulted in the false designation of the origins of plaintiff's works, leading to the deception of the public and the loss of profits to the plaintiff, and to impose exemplary damages as will be proven at trial and determined by a jury;
- (iii) That defendants through their willful infringements of plaintiff's copyrighted works pay the maximum statutory damage amount for each infringement of plaintiff's copyright as has been

both directly and proximately caused by them, as such infringements will be proven at trial;

(iv) That plaintiff recover from the defendants the profits and other consideration that they have realized and will realize through the broadcast of plaintiff's copyrighted work, and that the defendant account for all monies and other gains and consideration they have received to date and will be receiving in the future with regard to any and all broadcasts;

(v) That defendants are liable for the maximum non-willful statutory damage amount for each infringement that has arisen due to the sale, distribution, dissemination or other sale as caused by defendants for print and Internet exhibition(s), as such infringements will be proven at trial;

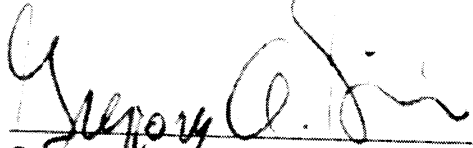
(vi) That plaintiff recovers from the defendants an amount in excess of the jurisdictional threshold for diversity suits filed before this Court for unfairly competing with the plaintiff by designating the complained of works as copyrighted by them, or alternatively that the works are in the public domain works and by further selling and distributing and exhibiting such works as though they were public domain works and devoid of a copyright registration notice;

(vii) For payment to plaintiff of its reasonable attorney's fees and related costs pursuant to the Copyright Act for the prosecution of this action and for pre-judgment interest to be

added to any judgment that the plaintiff may recover.

(viii) A trial by jury and any other and further relief this Court deems just and proper under the circumstances herein.

Dated: New York, NY
December 12, 2007



Gregory A. Sioris (GAS 1342)
Attorney for Plaintiff
350 Fifth Avenue, Suite 7606
New York, NY 10118-7606
(212) 840-2644

To: The New York Times Company
Defendant
620 Eighth Avenue
New York, NY 10018

Photofest, Inc. and
Howard Mandelbaum
Defendants
32 East 31st Street, 5th Floor
New York, NY 10016

EXHIBIT B

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ASSIGNMENT

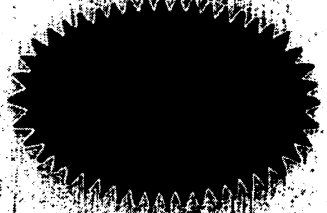
In the consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration receipt of which is hereby acknowledged, the undersigned, HAL ROACH STUDIOS, INC., of 645 Madison Avenue, New York, New York 10022 hereby confirms and assigns to RICHARD FEINER AND COMPANY, INC., 230 Park Avenue, New York, New York the sole and exclusive right throughout the world to license and sublicense the merchandising, novelty and commercial rights, arising out of and for the purpose of aiding the exploitation in all media of the rights controlled by the Hal Roach Studios, Inc.

Without limiting the foregoing, the merchandising, novelty and

Copyright Office of the United States of America
THE LIBRARY OF CONGRESS
 WASHINGTON

THIS IS TO CERTIFY THAT THE ATTACHED INSTRUMENT WAS RECORDED IN THE COPYRIGHT OFFICE RECORDS OF ASSIGNMENTS AND RELATED DOCUMENTS ON THE DATE AND IN THE PLACE SHOWN BELOW.
 IN TESTIMONY WHEREOF THE SEAL OF THIS OFFICE IS AFFIXED HERETO.

Long
 REGISTER OF COPYRIGHTS



Date of Registration

17Apr72

Volume

1445

Pages

423-425

CERTIFICATION A (FEB. 1972-7,500)

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photoplays,

and/or reproduce -

Vol 1445 PAGE 423

ASSIGNMENT

In the consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, the undersigned, HAL ROACH STUDIOS, INC., of 645 Madison Avenue, New York, New York 10022 hereby confirms and assigns to RICHARD FEINER AND COMPANY, INC., 230 Park Avenue, New York, New York the sole and exclusive right throughout the world to license and sublicense the merchandising, novelty and commercial rights, arising out of and for the purpose of aiding the exploitation in all media of the rights controlled by the Hal Roach Studios, Inc.

Without limiting the foregoing, the merchandising, novelty and commercial rights herein granted shall include the following:

(a) The right to utilize excerpts from the film footage, the sound tracks, all of the still photographs, and any and all other elements of the LAUREL AND HARDY copyrighted motion picture photoplays;

(b) The right to make and/or remake - to produce and/or reproduce -

to create and/or recreate - in any shape, form, matter or format including, audio, visual, still, live, tape, film, records and/or recordings, silent and/or sound motion pictures - publications, exhibitions and/or presentations - of the impersonation, imitation, impression, characterization of Laurel and Hardy - and to - caricature, portray, cartoon, animate in any shape, form, matter or format Laurel and Hardy together with the right in and to;

(c) The right to use the Laurel and Hardy names, likeness, characters, attitudes, situations, forms, ideas, movements, transitions, gestures, motions, impressions, voices, appearances and costumes, together with the comedy, humor, pathos, routines, material, situations and formats of Laurel and Hardy as created, recorded and copyrighted by Hal Roach Studios, Inc., and/or with Hal E. Roach acting for same;

(d) The right to exhibit in television, television commercials, radio, radio commercials, broadcasting, and all other forms of exhibition for theatrical and non-theatrical exhibition - and - in all commercial media, advertising media, publicity, promotion, exploitation - and - in the fields of publication, comic books, posters, sound recordings, clothes, toys, games, food, and all other kinds of merchandise products, goods, services and endorsements, pursuant to the exercise and exploitation of the rights

-3-

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and privileges granted in Paragraphs (a), (b) and (c) herein.

1 The rights herein granted are specifically made pursuant and subject to the terms and provisions of a certain agreement between the parties dated May 1st, 1969.

The undersigned also agrees to execute any further instruments as necessary to clarify or assure the rights herein granted to Feiner.

Signed and sealed this Seventh day of April, 1972.

HAL ROACH STUDIOS, INC.

By Herbert R. Gelbspan
Herbert R. Gelbspan
Executive Vice President

ATTEST:

State of New York
County of New York
Sworn and Subscribed to

Before Me on This 7
day of April 1972

[Signature]

ARTHUR KROEMER
Notary Public, State of New York
No. 52-7370050
Qualified in Suffolk County
Certificate Filed in New York County
Commission Expires March 30, 1974

EXHIBIT C

Application for Registration of a Claim to Copyright in a published book manufactured in the United States of America

FORM A

REGISTRATION NO.

A 680131
DO NOT WRITE HERE

CLASS

A

Instructions: Make sure that all applicable spaces have been filled before you submit the form. The application must be completed at line 10 and the AFFIDAVIT (line 11) must be completed and NOTARIZED. The application should not be filed until after the date of publication given in line 4, and it should state the facts which existed on that date. For further information, see page 4.

Pages 1 and 2 should be typewritten or printed with pen and ink. Pages 3 and 4 should contain exactly the same information as pages 1 and 2, but may be carbon copies. Mail all pages of the application to the Register of Copyrights, Library of Congress, Washington, D.C. 20559, together with 2 copies of the best edition of the work and the registration fee of \$6. Make your remittance payable to the Register of Copyrights.

Copyright Claimant(s) and Address(es): Give the name(s) and address(es) of the copyright owner(s). Ordinarily the name(s) must be the same as in the notice of copyright on the copies deposited.

Richard Feiner and Company, Inc.

230 Park Avenue, New York, New York 10017

Title: LAUREL & HARDY Text by John McCabe Compiled by Al Kilgore
(Give the title of the book as it appears on the title page)
Filmography by Richard W. Bann

Authors: Citizenship and domicile information must be given. If a work was made for hire, the employer is the author. The citizenship of organizations formed under U.S. Federal or State law should be stated as U.S.A. Authors may be editors, compilers,

translators, illustrators, etc., as well as authors of original text. If the copyright claim is based on new matter (see line 5) give requested information about the author of the new matter.

John McCabe

(Give legal name followed by pseudonym if latter appears on the copies)

Citizenship U.S. of America
(Name of country)Domiciled in U.S.A. Yes ☒ No ☐ Address as above

Al Kilgore

(Give legal name followed by pseudonym if latter appears on the copies)

Citizenship U.S. of America
(Name of country)Domiciled in U.S.A. Yes ☒ No ☐ Address as above

Richard W. Bann

(Give legal name followed by pseudonym if latter appears on the copies)

Citizenship U.S. of America
(Name of country)Domiciled in U.S.A. Yes ☒ No ☐ Address as above

Date of Publication of This Edition: Give the complete date when copies of this particular edition were first placed on sale, printed, or publicly distributed. The date when copies were made or NOTE: The full date (month, day, and year) must be given. For further information, see page 4.

September 11, 1975

(Month) (Day) (Year)

NOTE: Leave line 5 blank unless the following instructions apply to this work.

New Matter in This Version: If any substantial part of this work has been previously published anywhere, give a brief, general statement of the nature of the new matter published for the first time in this version. New matter may consist of compilation, translation, abridgment, editorial revision, and the like, as well as additional text or pictorial matter.

NOTE: Leave line 6 blank unless there has been a PREVIOUS FOREIGN EDITION in the English language.

Book in English Previously Manufactured and Published Abroad: If all or a substantial part of the text of this edition was previously manufactured and published abroad in the English language, complete the following spaces:

Date of first publication of foreign edition (Year) Was registration for the foreign edition made in the U.S. Copyright Office? Yes No

Your answer is "Yes," give registration number

EXAMINER

Complete all applicable spaces on next page

7. If registration fee is to be charged to a deposit account established in the Copyright Office, give name of account:
E. P. Dutton & Co., Inc.

8. Name and address of person or organization to whom correspondence or refund, if any, should be sent:

Name E.P. Dutton & Co., Inc. Address 201 Park Ave. So., New York, NY 10003

9. Send certificate to:

(Type or
print Name
name and
address) Address

<u>E. P. Dutton & Co., Inc.</u>		
<u>201 Park Avenue South</u>		
(Number and street)		
<u>New York</u>	<u>New York</u>	<u>10003</u>
(City)	(State)	(ZIP code)

10. **Certification:** (NOTE: Application not acceptable unless signed)

I CERTIFY that the statements made by me in this application are correct to the best of my knowledge.


 (Signature of copyright claimant or duly authorized agent)

11. **Affidavit (required by law).** Instructions: (1) Fill in the blank spaces with special attention to those marked "(X)." (2) Sign the affidavit before an officer authorized to administer oaths within the United States, such as a notary public. (3) Have the officer sign and seal the affidavit and fill in the date of execution.

NOTE: The affidavit must be signed and notarized only on or after the date of publication or completion of printing which it states. The affidavit must be signed by an individual.

STATE OF New York

COUNTY OF New York

- I, the undersigned, depose and say that I am the
- ☐ Person claiming copyright in the book described in this application;
- ☒ Duly authorized agent of the person or organization claiming copyright in the book described in this application;
- ☐ Printer of the book described in this application.

That the book was published or the printing was completed on: (X) September 11, 1975
 (Give month, day, and year)

That, of the various processes employed in the production of the copies deposited, the setting of the type was performed within the limits of the United States or the making of the plates was performed within the limits of the United States from type set therein; the lithographic or photoengraving processes used in producing the text were wholly performed within the limits of the United States; and that the printing of the text and the binding (if any) were also performed within the limits of the United States. That such type setting, platemaking, lithographic or photoengraving process, printing, and binding were performed by the following establishments or individuals at the following addresses:

(GIVE THE NAMES AND ADDRESSES OF THE PERSONS OR ORGANIZATIONS WHO PERFORMED SUCH TYPESETTING OR PLATE MAKING OR LITHOGRAPHIC PROCESS OR PHOTOENGRAVING PROCESS OR PRINTING AND BINDING, ETC.)

Names (X) Maverick Typesetting Addresses (X) New York, New York
 (composition)

Publication Press, Inc. 2 Penn Plaza, New York, NY 10001
 (printing & binding)

PLACE
NOTARIAL SEAL
HERE

ARTHUR J. PRINE
Notary Public State of New York
No. 41-2163976
Qualified in Queens County
Term Expires March 30, 1977

(Sign and notarize only on or after date given above)
 Subscribed and sworn to before me this 8th
 day of October, 19 75

day of October, 19 75


 (Signature of notary)

FOR COPYRIGHT OFFICE USE ONLY	
Application and affidavit received	
<u>DEC. 14. 1975</u>	
Two copies received	
<u>DEC. 14. 1975</u>	
Fee received	
Renewal	

EXHIBIT D



The Films of Laurel and Hardy

The Films of LAUREL & HARDY

by WILLIAM K. EVERSON

**CADILLAC PUBLISHING CO., INC.
220 Fifth Avenue, New York, N. Y. 10001**

ACKNOWLEDGMENTS

Grateful acknowledgment is made to the following individuals and institutions for their help in filling in some of the gaps in my still files by contributing rare photographs from their own collections:

JOHN E. ALLEN
KEVIN BROWNLOW
JAMES CARD (George Eastman House)
CARLOS CLARENS
HERBERT GELBSPAN (Hal Roach Studios)
GERALD D. McDONALD
CHARLES TURNER
ROBERT G. YOUNGSON
THE BRITISH FILM INSTITUTE
ENTERTAINMENT FILMS

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All rights reserved.
This edition published by Cadillac Publishing Co., Inc.,
by arrangement with The Citadel Press, Inc.
Designed by William Meinhardt.
Manufactured in the United States of America.
Library of Congress Catalog Card Number: 67-18086.



Hog Wild

HAL ROACH—M-G-M, 1930. *Two reels. Directed by James Parrott. Story by Leo McCarey. With Laurel & Hardy, Fay Holderness.*

First at the prodding of his wife, and then to assert his authority when she demands that he stop, Hardy—with the help of Mr. Laurel—tries to erect a radio aerial on the roof of his home.

One of their finest examples of sustained slapstick, *Hog Wild* gives Laurel & Hardy something of an affinity with Buster Keaton as they struggle manfully but unsuccessfully with an inanimate and basically simple mechanical prop—a radio aerial. Laurel's proffered help is accepted somewhat dubiously. "Well, all right, if you'll really *help* me!" agrees Hardy, his expression showing all too clearly that he realizes what a mistake his decision is. Following orders, Laurel brings his car around to the side of

EXHIBIT B

GREGORY A. SIORIS
ATTORNEY AT LAW

PHONE (212) 840-2644
FAX (212) 921-0163

SUITE 7606
350 FIFTH AVENUE
NEW YORK, N.Y. 10118-7606

April 15, 2008

Via ECF and By Hand

The Honorable Richard M. Berman
United States District Court
500 Pearl Street
New York, NY 10007

Re: **Richard Feiner & Co., Inc. v. The New York Times Co. et. al.**
07 Civ. 11218(RMB)

Dear Judge Berman:

The undersigned is counsel to Richard Feiner & Co., Inc. (Feiner) in the above captioned copyright infringement suit. This letter answers the letter of defendants' counsel Nancy E. Wolff, Esq., dated April 9, 2008.

The substantive issues of this dispute are governed by the Copyright Act of 1909, since the facts surrounding the rights to the still photographic images of Stan Laurel and Oliver Hardy as created by Hal Roach Studios occurred prior to the enactment of the Copyright Act of 1978, *Roth v. Pritikin*, 710 F.2d 934, 938-940 (2nd Cir. 1983).

The photographic images of this dispute are derived from the copyrighted Laurel & Hardy motion picture photoplays *Hog Wild* and *Leave 'Em Laughing*, created by Hal Roach Studios. By assignment dated April 7, 1972 and recorded in the Copyright Office at Volume 1445, page 423, Roach assigned Feiner "all of the still photographs, and any and all other elements of the LAUREL AND HARDY copyrighted motion picture photoplays". Based on this very broad assignment, Feiner published its 400 page book, *Laurel & Hardy*, which it registered with the Copyright Office at A 680131, dated October 14, 1975. The filing a copyright renewal certificate for the book was obviated by the Copyright Renewal Act of 1992, codified at 17 U.S.C. §304(a)(2)(A)(ii), see *Estate of Burne Hogarth v. Edgar Rice Burroughs, Inc.*, 342 F.3d 149, footnotes 8-9, (2nd Cir. 2003).

GREGORY A. SIORIS

The Honorable Richard M. Berman
United States District Court
April 15, 2008
Page Two

The *Laurel & Hardy* book published photographs of the pair which were previously unpublished or exhibited under the 1909 Copyright Act's doctrine of limited publication. There is distinction between a work's publication and its limited publication under the 1909 Act, the latter allowing a proprietor to publicly exhibit a work without it losing its protection under its common law copyright, *Patterson v. Century Productions, Inc.*, 93 F.2d 489, 492 (2nd Cir. 1937), *Paramount Pictures Corp. v. Rubinowitz*, 217 U.S.P.Q. 48 (E.D.N.Y. 1981), *National Broadcasting Co., Inc. v. Sonneborn*, 630 F.Supp. 524 (D.Conn. 1985).

Defendants willfully neglect citing rulings from Court's in this District which confirm my client's rights in the still photographic images of Laurel & Hardy which prove that it has standing to sue when they are infringed. In *Price v. Hal Roach Studios, Richard Feiner & Co. Inc. et. al.*, 400 F.Supp. 836, at 842 (S.D.N.Y. 1975), Stewart, J., "plaintiffs concede that defendants, by virtue of their copyrights, are entitled to use 'stills' or single frames, from the copyrighted movies." In *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 1984 U.S. Dist. LEXIS 23570 at *8-9, (S.D.N.Y. 1984), Motley, J., "the court concludes that Feiner & Co. has standing to sue under the Copyright Act", confirming Feiner's rights under the 1972 assignment from Roach. In *Richard Feiner & Co., Inc. v. H.R.I. Industries, Inc., dba The Hollywood Reporter*, 10 F.Supp.2d 310, at 313 (S.D.N.Y. 1998), Owen, J., "Here, Feiner's valid copyright in the photograph, as well as HRI's copying, has been conceded". In *Richard Feiner and Co., Inc. v. Larry Harmon Pictures Corp. and Larry Harmon*, 38 F.Supp.2d 276 at 277 (S.D.N.Y. 1999), Owen, J., "Feiner holds the copyrights to several motion pictures of the late comedy team of Stan Laurel and Oliver Hardy, as well as the still photographic images derived from those movies". Damages have been awarded on the infringement of a still photographic image, *Richard Feiner and Co., Inc. v. Passport International Productions, Inc.*, 1998 U.S. Dist. LEXIS 11878 (S.D.N.Y. 1998), Owen, J.

Contrary to defendants' counsel's claim, plaintiff has never conceded the images at issue in this suit are "publicity stills", however, *arguendo*, even if they are, they are still protected

GREGORY A. SIORIS

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United States District Court
April 15, 2008
Page Three

under the copyright registration issued for Feiner's *Laurel & Hardy* book as per §209 of the 1909 Act. As regards counsel's claims that these images are in the public domain because of their purported publication by a third person in 1967, the 1909 Copyright Act forbids a third person to vitiate a proprietor's rights by publishing images and dedicating them to the public. Under the 1909 Act for a work to be dedicated to the public a "'divestive' publication" has to occur where there has been no reservation of rights. Proving that a "'divestive' publication" has occurred requires a "higher standard" of factual proof, which "carries out the policy of the copyright laws to safeguard an author's rights in his works against both piracy and an unwitting forfeiture", *Roy Export v. Columbia Broadcasting System, Inc.*, 672 F.2d 1095, 1101-1102 (2nd Cir. 1982), *cert den.* 459 U.S. 826 (1982). Counsel fails to broach, let alone meet, the requisite "higher standard" of factual proof needed to prove public dedication of the images created by Hal Roach Studios. Notably absent is proof of the day, month and year that the works were allegedly dedicated to the public, the name and title of the Hal Roach representative who dedicated these works and the circumstances surrounding their dedication. Lacking competent evidence proving a public dedication, a motion to dismiss a complaint asserting a valid copyright infringement claim cannot be supported by speculation or conjecture.

Plaintiff's Other Claims Are Actionable

Defendant Photofest has placed its attribution under plaintiff's images as published in The New York Times on May 3, 2007. In addition plaintiff's images appear in defendants' Photofest and Mandelbaum's web site, showing that they are attempting to sell plaintiff's images under the Photofest name. Under *Richard Feiner and Co., Inc. v. Larry Harmon Pictures Corp.*, 38 F.Supp.2d 276 at 280 (S.D.N.Y. 1998) Judge Owen held that such conduct is "reverse passing off" and is actionable under the Lanham Act and meets the pleading requirements of the Lanham Act.

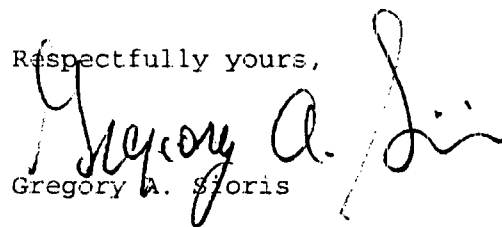
Without the plaintiff conducting discovery on its other claims it is premature to dismiss these claims.

GREGORY A. SIORIS

The Honorable Richard M. Berman
United States District Court
April 15, 2008
Page Four

I thank Your Honor for considering this letter and am available to answer any queries that the Court may have.

Respectfully yours,


Gregory A. Sioris

GAS: ms

Cc: Nancy E. Wolff, Esq. (via fax and ecf)

EXHIBIT C

Vol 1445 PAGE 423

ASSIGNMENT

In the consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, the undersigned, HAL ROACH STUDIOS, INC., of 645 Madison Avenue, New York, New York 10022 hereby confirms and assigns to RICHARD FEINER AND COMPANY, INC., 230 Park Avenue, New York, New York the sole and exclusive right throughout the world to license and sublicense the merchandising, novelty and commercial rights, arising out of and for the purpose of aiding the exploitation in all media of the rights controlled by the Hal Roach Studios, Inc.

Without limiting the foregoing, the merchandising, novelty and commercial rights herein granted shall include the following:

(a) The right to utilize excerpts from the film footage, the sound tracks, all of the still photographs, and any and all other elements of the LAUREL AND HARDY copyrighted motion picture photoplays;

(b) The right to make and/or remake - to produce and/or reproduce -

to create and/or recreate - in any shape, form, matter or format including, audio, visual, still, live, tape, film, records and/or recordings, silent and/or sound motion pictures - publications, exhibitions and/or presentations - of the impersonation, imitation, impression, characterization of Laurel and Hardy - and to - caricature, portray, cartoon, animate in any shape, form, matter or format Laurel and Hardy together with the right in and to;

(c) The right to use the Laurel and Hardy names, likeness, characters, attitudes, situations, forms, ideas, movements, transitions, gestures, motions, impressions, voices, appearances and costumes, together with the comedy, humor, pathos, routines, material, situations and formats of Laurel and Hardy as created, recorded and copyrighted by Hal Roach Studios, Inc., and/or with Hal E. Roach acting for same;

(d) The right to exhibit in television, television commercials, radio, radio commercials, broadcasting, and all other forms of exhibition for theatrical and non-theatrical exhibition - and - in all commercial media, advertising media, publicity, promotion, exploitation - and - in the fields of publication, comic books, posters, sound recordings, clothes, toys, games, food, and all other kinds of merchandise products, goods, services and endorsements, pursuant to the exercise and exploitation of the rights

-3-

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and privileges granted in Paragraphs (a), (b) and (c) herein.

The rights herein granted are specifically made pursuant and subject to the terms and provisions of a certain agreement between the parties dated May 1st, 1969.

The undersigned also agrees to execute any further instruments as necessary to clarify or assure the rights herein granted to Feiner.

Signed and sealed this Seventh day of April, 1972.

HAL ROACH STUDIOS, INC.

By Herbert R. Gelbspan
Herbert R. Gelbspan
Executive Vice President

ATTEST:

State of New York
County of New York
Sworn and Subscribed to

Before Me on This 7
day of APRIL 1972

[Signature]

ARTHUR KROEMER
Notary Public, State of New York
No. 52-7370050
Qualified in Suffolk County
Certificate Filed in New York County
Commission Expires March 30, 1974

EXHIBIT D

Application

For Registration of a Claim to Copyright in a published book manufactured in the United States of America

FORM A

REGISTRATION NO.

A 686131

DO NOT WRITE HERE

CLASS

A

Instructions: Make sure that all applicable spaces have been filled before you submit the form. The application must be filled at line 10 and the **AFFIDAVIT** (line 11) must be **SIGNED AND NOTARIZED**. The application should not be signed until after the date of publication given in line 4, and state the facts which existed on that date. For further information, see page 4.

Pages 1 and 2 should be typewritten or printed with pen and ink. Pages 3 and 4 should contain exactly the same information as pages 1 and 2, but may be carbon copies. Mail all pages of the application to the Register of Copyrights, Library of Congress, Washington, D.C. 20559, together with 2 copies of the best edition of the work and the registration fee of \$6. Make your remittance payable to the Register of Copyrights.

Copyright Claimant(s) and Address(es): Give the name(s) and address(es) of the copyright owner(s). Ordinarily the name(s) should be the same as in the notice of copyright on the copies deposited.

Richard Feiner and Company, Inc.

230 Park Avenue, New York, New York 10017

Title: LAUREL & HARDY Text by John McCabe Compiled by Al Kilgore
 (Give the title of the book as it appears on the title page)

Filmography by Richard W. Bann

Authors: Citizenship and domicile information must be given. If a work was made for hire, the employer is the author. The citizenship of organizations formed under U.S. Federal or State law should be stated as U.S.A. Authors may be editors, compilers,

translators, illustrators, etc., as well as authors of original text. If the copyright claim is based on new matter (see line 5) give requested information about the author of the new matter.

Name: John McCabe
 (Give legal name followed by pseudonym if latter appears on the copies)

Citizenship: U.S. of America
 (Name of country)

Domiciled in U.S.A. Yes ☒ No ☐ Address: as above

Name: Al Kilgore
 (Give legal name followed by pseudonym if latter appears on the copies)

Citizenship: U.S. of America
 (Name of country)

Domiciled in U.S.A. Yes ☒ No ☐ Address: as above

Name: Richard W. Bann
 (Give legal name followed by pseudonym if latter appears on the copies)

Citizenship: U.S. of America
 (Name of country)

Domiciled in U.S.A. Yes ☒ No ☐ Address: as above

Date of Publication of This Edition: Give the complete date when copies of this particular edition were first placed on sale, sold, or publicly distributed. The date when copies were made or

printed should not be confused with the date of publication. **NOTE:** The full date (month, day, and year) must be given. For further information, see page 4.

September 11, 1975

(Month) (Day) (Year)

➡ (NOTE: Leave line 5 blank unless the following instructions apply to this work.) ⬅

New Matter in This Version: If any substantial part of this work has been previously published anywhere, give a brief, general statement of the nature of the new matter published for the first

time in this version. New matter may consist of compilation, translation, abridgment, editorial revision, and the like, as well as additional text or pictorial matter.

➡ **NOTE:** Leave line 6 blank unless there has been a PREVIOUS FOREIGN EDITION in the English language. ⬅

Book in English Previously Manufactured and Published Abroad: If all or a substantial part of the text of this edition was previously manufactured and published abroad in the English language, complete the following spaces:

Date of first publication of foreign edition
 (Year)

Was registration for the foreign edition made in the U.S. Copyright Office? Yes No

If your answer is "Yes," give registration number

Complete all applicable spaces on next page



7. If registration fee is to be charged to a deposit account established in the Copyright Office, give name of account:

E. P. Dutton & Co., Inc.

8. Name and address of person or organization to whom correspondence or refund, if any, should be sent:

Name E.P. Dutton & Co., Inc. Address 201 Park Ave. So., New York, NY 10003

9. Send certificate to:

(Type or
print Name
name and
address) Address

E. P. Dutton & Co., Inc.

201 Park Avenue South
(Number and street)

New York, New York 10003
(City) (State) (ZIP code)

10. **Certification:** (NOTE: Application not acceptable unless signed)

I CERTIFY that the statements made by me in this application are correct to the best of my knowledge.


(Signature of copyright claimant or duly authorized agent)

11. **Affidavit (required by law).** Instructions: (1) Fill in the blank spaces with special attention to those marked "(X)". (2) Sign the affidavit before an officer authorized to administer oaths within the United States, such as a notary public. (3) Have the officer sign and seal the affidavit and fill in the date of execution.

NOTE: The affidavit must be signed and notarized only on or after the date of publication or completion of printing which it states. The affidavit must be signed by an individual.

STATE OF New York

COUNTY OF New York

- I, the undersigned, depose and say that I am the
- ☐ Person claiming copyright in the book described in this application;
- ☒ Duly authorized agent of the person or organization claiming copyright in the book described in this application;
- ☐ Printer of the book described in this application.

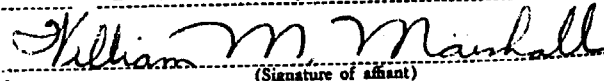
That the book was published or the printing was completed on: (X) September 11, 1975
(Give month, day, and year)

That, of the various processes employed in the production of the copies deposited, the setting of the type was performed within the limits of the United States or the making of the plates was performed within the limits of the United States from type set therein; the lithographic or photoengraving processes used in producing the text were wholly performed within the limits of the United States; and that the printing of the text and the binding (if any) were also performed within the limits of the United States. That such type setting, platemaking, lithographic or photoengraving process, printing, and binding were performed by the following establishments or individuals at the following addresses:

(GIVE THE NAMES AND ADDRESSES OF THE PERSONS OR ORGANIZATIONS WHO PERFORMED SUCH TYPESETTING OR PLATE MAKING OR LITHOGRAPHIC PROCESS OR PHOTOENGRAVING PROCESS OR PRINTING AND BINDING, ETC.)

Names (X) Maverick Typesetting Addresses (X) New York, New York
(composition)

Publication Press, Inc. 2 Penn Plaza, New York, NY 10001
(printing & binding)


(Signature of claimant)

(Sign and notarize only on or after date given above)

PLACE
NOTARIAL SEAL
HERE

Notary Public State of New York
No. 41-3163976
Qualified in Queens County
Term Expires March 30, 1977

Subscribed and sworn to before me this 8th day of October, 1975


(Signature of notary)

FOR COPYRIGHT OFFICE USE ONLY

Application and affidavit received

OCT. 14. 1975

Two copies received

OCT. 14. 1975

Fee received

Renewal

EXHIBIT E

Weir (Arthur Lewis) D2
Hog wild

Fee rec'd \$1.00

OCT 31 1928
 Application rec'd OCT 30 1928
 © Cl B 86718

52401 OCT 30 '28

IMPORTANT: Applicant must not write in the blank lines above, to do so will cause delay in Copyright Office.

Card made by W. P. APPLICATION FOR COPYRIGHT
 DRAMATIC COMPOSITION NOT REPRODUCED FOR SALE

REGISTER OF COPYRIGHTS, Washington, D. C. Date *October 29, 1928*

OF the DRAMATIC COMPOSITION named herein, not reproduced in copies for sale, ONE complete copy is herewith deposited to secure copyright registration according to the provisions of the Act of March 4, 1909. \$1 (statutory fee for registration and certificate) is also inclosed. The copyright is claimed by

(1) Name of copyright owner *Arthur Lewis Mair*
 (Write full legal name of copyright owner)

(2) Address *1416 So. 4th St.* *Springfield, Illinois*
 (Street) (City) (State)

[Please turn this over]

(3) Name of author or translator Arthur Lewis Weir
(Write name in full)

(4) Country of which the author is a citizen United States of America
(MUST be stated)

(5) If an alien author, state where domiciled in the United States

(6) Brief title of work NOG WILD

(7) Send certificate of registration to Arthur L. Weir
1416 So. 4th St. Springfield Illinois
(Street) (City) (State)

(8) Name and address of person or firm sending the fee Arthur L. Weir
1416 So. 4th St. Springfield Illinois
(Street) (City) (State)

If the work is a published dramatic composition, use application form D1; if a published dramatic-musical composition, use form D2; if an unpublished dramatic composition, use form D4.
 If the work is a translation, state name and citizenship of the translator, in lieu of that of the author.
 (July, 1934—12,000)
GOVERNMENT PRINTING OFFICE
 [Please turn this over]

EXHIBIT F

Metro Goldwyn Mayer corp.
 Leave 'em laughing. 2 reels.
 \$1.00
 Fee rec'd \$

2 c. rec'd JAN 11 '28
 Application rec'd JAN 11 '28
 Description rec'd JAN 11 '28
 © Cl L 24847C
 1988 JAN 11 '28

IMPORTANT. Applicant must not write in the blank lines above; to do so will result in copyright being refused.

APPLICATION FOR COPYRIGHT MOTION-PICTURE PHOTOPLAY REPRODUCED FOR SALE

(If the work is a published motion-picture, NOT a photoplay, use application form M1)

RECEIVED OF COPYRIGHTS, Washington, D. C. Date January 9th. 1928
 the MOTION-PICTURE PHOTOPLAY named Kerwin and REPRODUCED IN COPIES
 FOR SALE on the date stated Kerwin, the following are herewith deposited to secure copyright
 registration in full compliance with the provisions of the Act of March 4, 1909, as amended by
 Act of August 24, 1912: 1st, Two complete copies of the photoplay (state exact number of reels);
 2nd, A Description (preferably typewritten or printed) of the photoplay, also \$1
 statutory fee for registration and certificate. The copyright is claimed by

Metro Goldwyn Mayer Corporation
 (1) Name of copyright owner. (When a legal name of copyright owner) [Please turn this over]

- (2) Address 1540 Broadway New York N.Y.
(Street) (City) (State)
- (3) Name of the author of the photoplay Metro Goldwyn Mayer Corporation
(Write name in full)
- (4) Country of which the author is a citizen U.S.A.
(MUST be stated)
- (5) If an alien author, state where domiciled in the United States _____
- (6) The title of the motion-picture photoplay is
LEAVE 'EM LAUGHING ✓ 2 Reels ✓
- (7) Published on the ninth day of January, 1928 ✓
(State here the day, month, and year when the work was placed on sale, sold, or publicly distributed)
THE SEPARATE TYPEWRITTEN OR PRINTED DESCRIPTION ACCOMPANIES THIS APPLICATION
- (8) Send certificate of registration to Metro Goldwyn Mayer Corporation
1009 New Jersey Ave., N. W., Washington, D. C.
(Street) (City) (State)
- (9) Name and address of person or firm sending the fee Metro Goldwyn Mayer Corp.
1540 Broadway New York N.Y.
(Street) (City) (State)
- (July, 1925—8,000) **Copies** **JAN 12 1928** [Please turn this over]
Returned in Person